

# M · E · M · O

## Alameda Corridor Transportation Authority

June 8, 2017

|                 |   |
|-----------------|---|
| <b>To:</b>      | Governing Board   |
| <b>From:</b>    | John T. Doherty, Chief Executive Officer  |
| <b>Subject:</b> | <i>New Agreement No. C0865 with David Duthie for Utility Coordination Services (APPROVAL)</i> |

**Recommendation:**

Approve Agreement No. C0865 with David Duthie for utility coordination services for a term of two years in an amount not to exceed \$70,000 to replace Agreement No. C0714, which expires on June 30, 2017 and authorize the Chief Executive Officer or Chief Financial Officer to execute said Agreement. It is also recommended that the Board find that conducting a competitive selection process for these services would not be practical or advantageous to ACTA.

**Discussion:**

Mr. David Duthie has been engaged as an ACTA consultant since October 2003 regarding ACTA matters involving municipal and private utility owners. (See Background Section below.)

ACTA has utility relocation coordination obligations under its Cooperative Agreements with Caltrans for the SR-47 Segment 1 Project. Costs expended by ACTA for the coordination obligations are reimbursable by Caltrans. On behalf of ACTA, Mr. Duthie has coordinated the necessary negotiations, agreements, and documentation required to cause the utilities that conflict with the SR-47 Project construction to be relocated and/or protected.

It is requested that the Board approve the new two-year agreement with Mr. Duthie with a not to exceed contract value of \$70,000. The new agreement will replace Agreement No. C0714, originally entered into in 2003 as a consultant service letter agreement. The new agreement uses the most current standardized ACTA contract form. Agreement No. C0714 will expire on June 30, 2017 and the new Agreement No. C0865 will become effective July 1, 2017.

It is recommended that this new agreement be approved without a competitive selection process because doing so would not be practical or advantageous to ACTA given the specialized nature of the work and Mr. Duthie's long-term experience and familiarity with the Corridor properties and the properties involved with the SR-47 Project.



**Background:**

Mr. Duthie was a former employee of the Alameda Corridor Engineering Team (ACET), serving as the Senior Utility Coordinator from April 1996 through August 2003. In that capacity, he was in part responsible for ACTA's successful program of utility relocations and protections numbering in the hundreds. Because of his familiarity with the Corridor utility relocation program and the local utility companies and agencies, Mr. Duthie was engaged part-time after leaving the project through a consultant service letter agreement dated October 1, 2003 in the amount of \$10,000. The contract was incrementally amended to \$40,000, an amount less than the CEO's Board-approved contract authority limit of \$50,000. Subsequent Board-approved amendments increased the not-to-exceed limit to \$485,000 (excluding amounts for the Dominguez Channel Oil Release EPA Matter), and extended the term through June 30, 2017. Any unspent amount (estimated at approximately \$8,000) will expire on June 30, 2017 with the old agreement.

**Budget Impact:**

Funds are included in the FY18 Program Budget for the SR-47 Project and are referenced in the budget as Expenses for Public Benefit. These costs are fully reimbursable by Caltrans under the terms of two separate cooperative agreements between ACTA and Caltrans.